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8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

10 JOHN P. MARTINO,

11 Plaintiff(s),

12 v.

13 BMO HARRIS BANK, NATIONAL
14 ASSOCIATION, et al.,

15 Defendant(s).

Case No. 2:17-cv-01110-GMN-NJK

ORDER REGARDING RESOLUTION
OF DISCOVERY DISPUTES

16 Pending before the Court is a discovery plan that includes, *inter alia*, a proposal that discovery
17 disputes be presented to the Court initially in the form of a one-page summary. Docket No. 22 at 6. The
18 Court declines to adopt the procedure proposed. Instead, the Court **ORDERS** as follows:

19 To the extent the parties are unable to resolve a discovery dispute following an appropriate pre-
20 filing conference¹ and wish to streamline the process for resolving that dispute, they may file a
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23 ¹ “Discovery is supposed to proceed with minimal involvement of the Court.” *Cardoza v. Bloomin’*
24 *Brands, Inc.*, 141 F. Supp. 3d 1137, 1145 (D. Nev. 2015) (quoting *F.D.I.C. v. Butcher*, 116 F.R.D. 196, 203
25 (E.D. Tenn. 1986)). Hence, discovery disputes should be presented to the Court only as a last resort and only
26 when the underlying dispute implicates truly significant interests. *See, e.g., id.* (quoting *In re Convergent*
27 *Techs. Securities Litig.*, 108 F.R.D. 328, 331 (N.D. Cal. 1985)). The pre-filing conference requirement is
28 not a mere technicality, but rather requires counsel to “present to each other the merits of their respect
positions with the same candor, specificity, and support during the informal negotiations as during the
briefing of discovery motions.” *Nevada Power v. Monsanto*, 151 F.R.D. 118, 120 (D. Nev. 1993); *see also*
ShuffleMaster, Inc. v. Progressive Games, Inc., 170 F.R.D. 166, 171 (D. Nev. 1996). The vast majority of
discovery disputes should be resolved through the meet-and-confer process without any Court involvement.

1 stipulation seeking resolution of their dispute. The stipulation shall include a certification detailing the
2 meet-and-confer process, as required by the applicable rules. The joint stipulation shall also include
3 sections outlining each party's factual and legal contentions regarding each discovery dispute. The
4 parties shall draft their respective portions in a complete manner, citing applicable law and evidence,
5 as if it were a brief in relation to a discovery motion. The page limitations for motions established in
6 the Local Rules will not apply to such a stipulation. *Cf.* C.D. Cal. Local Rule 37-2 (outlining similar
7 procedure for presenting discovery disputes).

8 To the extent the parties do not agree to resolve any particular discovery dispute through the
9 streamlined procedure outlined above, then the discovery dispute shall be presented to the Court through
10 the default procedures in the local rules.²

11 IT IS SO ORDERED.

12 DATED: June 30, 2017

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NANCY J. KOPPE
United States Magistrate Judge

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24 ² Although not entirely clear, the discovery plan appears to envision telephonic resolution of
25 discovery disputes arising during depositions. *See* Docket No. 22 at 6. To be clear, the fact that a dispute
26 arises at a deposition is not, standing alone, grounds to stop the deposition and seek immediate resolution
27 from the Court. *See* Fed. R. Civ. P. 30(c)(2) (objections should be stated on the record, "but the examination
28 still proceeds"). Disputes arising a deposition should be presented in writing as outlined herein or by the
default local rules, unless the narrow exceptions to that procedure apply. *Cf.* Fed. R. Civ. P. 30(d)(3)
(requests to terminate or limit a deposition should only be made if the deposition "is being conducted in bad
faith or in a manner that unreasonably annoys, embarrasses, or oppresses the deponent or party").